

REMARKS

This Amendment is in reply to the Office Action dated August 18, 2006. Reconsideration and allowance of the above-identified patent application are respectfully requested. This application relates to nitric oxide releasing prodrugs of diaryl-2-(5H)-furanones as selective cyclooxygenase-2 inhibitors.

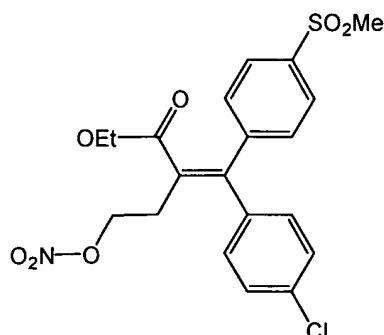
Claims 1 to 11, 15, 20, 21, 26, 27, 32 and 41 are pending in the application. Claim 32 was rejected for non-enablement pursuant to 35 U.S.C. § 112, first paragraph. Claims 1 to 5, 7 and 41 were rejected under 35 U.S.C. § 103 as obvious over WO 01/45703 ("Bandarage"). Claim 27 is allowed. Claims 6, 8 to 11, 15, 20, 21 and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. This indication of allowability is appreciatively acknowledged.

This Amendment amends Claim 32. Upon entry of this Amendment, claims in the application will remain Claims 1 to 11, 15, 20, 21, 26, 27, 32 and 41.

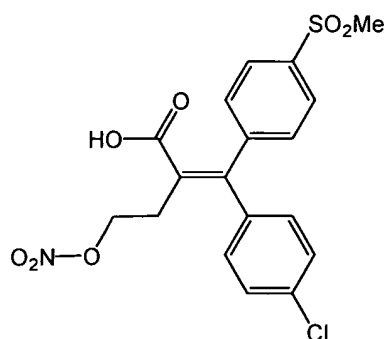
With respect to the enablement rejection, Applicants have amended Claim 32 as suggested by the Examiner. Withdrawal of the enablement rejection is therefore respectfully requested.

Applicants respectfully traverse the obviousness rejection of Claims 1 to 5, 7 and 41 over Bandarage. The Examiner asserts that the compounds of the reference differ from those claimed in that they are homologs, i.e., an ethylene group replaces the methylene group next to the oxygen bearing the R⁵ substituent. Applicants wish to point out to the Examiner that there are other differences as well. The structures of Examples 8 and 9 from Bandarage are depicted as follows:

Example 8



Example 9

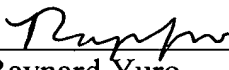


As can be seen from the structures above and in addition to the differences noted by the Examiner, the nitrooxyalkyl, ethoxycarbonyl (Ex. 8) or carboxy (Ex. 9), 4-chlorophenyl and 4-methylsulfonyl groups are substituted around the C=C group with a different arrangement than the compounds presently claimed. In view of these differences, the compounds claimed in Claims 1 to 5 and 7 would in no way have been obvious to one having ordinary skill in the art with knowledge of Examples 8 and 9 of Bandarage. Claim 41 claims a pharmaceutical composition comprising a compound of Claim 1 and likewise would not have been obvious over Bandarage. Withdrawal of the obviousness rejection is respectfully requested.

Serial No.: 10/521,075
Case No.: MC062YP
Page 30

Applicants respectfully submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Amendment may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

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